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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES, LLC,

Defendant.

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

THE CHARLES SALMANSON TRUST 1981,
JERROLD A. SALMANSON, in his capacity as
trustee of The Charles Salmanson Trust 1981 and
executor of the Estate of Charles Salmanson and

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-04877 (SMB)

individually, and DONALD SALMANSON, in his
as trustee of The Charles Salmanson Trust 1981
and executor of the Estate of Charles Salmanson,

Defendants.

TRUSTEE'S REQUEST TO ENTER DEFAULT

To: CLERK OF THE COURT
UNITED STATES BANKRUPTCY COURT

Irving H. Picard (the "Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities, LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the estate of Bernard L. Madoff, by and through his counsel, Baker & Hostetler LLP, respectfully requests that the Clerk of the Court issue a Certificate of Default against defendant, THE CHARLES SALMANSON TRUST 1981, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, made applicable to this Adversary Proceeding by Rule 7055 of the Federal Rules of Bankruptcy Procedure, for failure to plead or otherwise defend the above-captioned action as it fully appears from the Court file and from the attached Affidavit.

WHEREFORE, the Trustee respectfully requests that this Court grant the Trustee's Motion in its entirety and provide for such other relief as this Court deems just and proper.

Dated: New York, New York
July 10, 2014

Respectfully submitted,

Of Counsel:

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/s/ Nicholas J. Cremona

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Defendants.

AFFIDAVIT SUPPORTING ENTRY OF DEFAULT

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

Christa C. Turner, being duly sworn, hereby attests as follows:

1. I was admitted pro hac vice into this Court and I am a partner at the firm of Baker & Hostetler LLP, which is counsel for Irving H. Picard ("Trustee"), Trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* ("SIPA") and the estate of Bernard L. Madoff, individually. On December 2, 2010, the Trustee commenced this adversary proceeding by filing a complaint (the "Complaint") against THE CHARLES SALMANSON TRUST 1981, JERROLD A. SALMANSON, in his capacity as trustee of The Charles Salmanson Trust 1981 and as executor of the Estate of Charles Salmanson and individually, and DONALD SALMANSON, in his as trustee of The Charles Salmanson Trust 1981 and as executor of the Estate of Charles Salmanson ("Defendants"). (Dkt. No. 1.) The Complaint asserted claims pursuant to sections 78fff(b), 78FFF-1(a) and 78fff-2(c)(3) of SIPA, sections 105(a), 544, 548(a), 550(a), and 551 of the United States Bankruptcy Code, 11 U.S.C. §§ 101, *et seq.*, and other applicable law, seeking the avoidance and recovery of fraudulent

conveyances in connection with certain transfers of property by BLMIS to or for the benefit of Defendants (*Id.*).

1. On February 15, 2011, the Clerk of this Court issued a summons upon Defendants. (Dkt. No. 3)

2. On February 15, 2011, the Trustee, in accordance with Bankruptcy Rule 7004(b) of the Federal Rules of Bankruptcy Procedure, timely served the Summons and Complaint upon THE CHARLES SALMANSON TRUST 1981 (“Defaulting Defendant”). (See Dkt. Nos. 1, 2 and 3.) An Affidavit of Service evidencing proper and timely service was filed with the Court. (See Ex. A, Affidavit of Service; Dkt. No. 4.)

3. Pursuant to the Order (1) Establishing Litigation Case Management Procedures For Avoidance Actions And (2) Amending The February 16, 2010 Protective Order governing the litigation of certain avoidance actions, including this adversary proceeding, the time by which Defaulting Defendant may answer or otherwise move with respect to the Complaint expired April 18, 2011. (See Dkt. No. 3).

4. Despite being duly served with the Summons and Complaint, the Defaulting Defendant did not file an answer, move, or otherwise respond to the Complaint on or before June 19, 2014.

5. The Defaulting Defendant is a business entity and therefore is neither an infant nor an incompetent.

6. Moreover, because the Defaulting Defendant is a business entity, the protections afforded under the Servicemember’s Civil Relief Act of 2003 should not apply.

7. I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

/s/ Christa C. Turner
Christa C. Turner

Sworn to before me this 10th
day of July, 2014 by Christa Turner who is personally
known by me.

Paula L. Salemi
Notary Public

